# NO BENNETT CASH FOR BRYAN.

CONNECTICUT SUPREME COURT DECIDES AGAINST HIM.

Decision Says Scaled Letter by Which He Was to Get Fat Slice of the Estate Cannot Be Considered Part of the Will-May Abandon Further Fight.

NEW HAVEN, Conn., Aug. 12.-The Supreme Court of Connecticut to-day handed down a unanimous opinion against the admission as a part of the will of Philo S. Bennett of the sealed letter in which Mr. Bennett provided \$50,000 for William J. This decision from the highest curt of the State was on the appeal of Mr. Bryan from the Superior Court of this city, which also threw out the sealed letter.

The first decision made against the sealed letter came from Judge Livingston W. Cleaveland of the Probate Court of New Haven, where the will was presented for probate. Judge Cleaveland admitted the will, but ruled that the sealed letter was not a part of it. The decision to-day makes the third against the sealed letter.

The issue may now be taken to the United States Supreme Court. Mr. Bryan stated some time ago that if the Connecticut courts went against him he would carry the case to the highest judicial body in the land. Some of his friends said to-day, however, that he had had enough of courts in connection with the Bennett estate and that he would now abandon the plan of going to the United States Supreme Court.

Mr. Bryan has another appeal pending before the Superior Court here for a construction of the will, in which he will seek to prove if the sealed letter is not a part of will it is an implied trust and that as such the money should be paid to him. The only other appeal pending in this will contest is that of Mrs. Bennett from the probate of the

It was agreed among counsel to hold all the appeals in abevance until the one on the sealed letter was disposed of. Judge Edwin B. Gager heard the evidence on that appeal, and on March 31 of this year decided that the sealed letter was no part of the will, and the case then went to the Supreme Court. One of the counsel for Mr. Bryan in arguing the appeal was ex-United States Senator Charles A. Towne of Minnesota, who is now a resident of New York.

By the will itself, which will now stand if the appeals are not pressed, Mr. Bryan will receive \$10,000 to be distributed among colleges in prizes for essays and \$10,000 for deserving students. Mrs. Bryan will get \$10,000 to go to deserving girl students. There was also a provision for \$1,500, to be supplemented by a like amount from Mr. Bryan, to be used in building the Bryan-Bennett memorial library at Salem, Ill., Mr. Bryan's old home.

Mr. Bennett's estate was valued at over \$300,000, of which his wife, Grace Imogene
Bennett, was to receive \$75,000 outright and
an interest in the residue, amounting to an interest in the residue amounting to

\$50,000. The opinion of the Supreme Court was written by Chief Justice David Torrance of Derby. The opinion begins by quoting the twelfth clause of the will, which is:

I give and bequeath unto my wife, Grace Imogene Bennett, the sum of fifty thousand dollars (\$50,000), in trust, however, for the purposes set forth in a sealed letter which vill be found with this will.

Under this clause, says the Court, two writings were also offered for probate as part of it, referred to as exhibits B and C. It was on the admission of these writings that Mr. Pryan based his appeal. Exhibit B was the sealed letter which the Court

hibit B was the sealed letter which the Court quotes. It is:

New York, May 22, 1900.

My Dear Wife: In my will just executed I have bequeathed to you seventy-five thousand dollars (\$75,000) and the Bridgeport houses, and have in addition to this made you residuary legatee of a sum which will amount to twenty-five thousand more. This will give you a larger income than you can spend while you live, and will enable you to make bountiful provision for those you desire to remember in your will. In my will you will find the following provisions:

"I give and bequeath unto my wife. Grace Imogene Bennett, the sum of flity thousand dollars (\$50,000), in trust, however, for the purposes set forth in a sealed letter which will be found with this will."

It is my desire that \$50,000 conveyed to you in trust by this provision shall be by you paid to William Jennings Bryan of Lincoln, Neb., or to his heirs if I survive him. I am earnestly devoted to the political principles which Mr. Bryan advocates, and believe the welfare of the nation depends upon the triumph of those principles. As I am not as able as he to defend those principles with tengue or pen and as his political work prevents the application of his time and talents to money making. I consider it a duty, as I find it a pleasure, to make this provision for his financial sid, so that he may be more free to devote himself to his chosen field of labor. If for any reason he is unwilling to receive this sum for himself, it is my will that he shall distribute the said sum of \$50,000 according to his judgment among charitable and educational institutions. I have sent a duplicate of this letter to Mr. Bryan, and it is my desire that no one excepting you and Mr. Bryan himself shall know of this letter and bequest. For this reason I place this letter in a sealed envelope and direct that it shall be opened only by you and read by you and with love and kisses.

Exhibit C is a typewritten duplicate of Exhibit B, except that the words "with

Exhibit C is a typewritten duplicate of Exhibit B, except that the words "with love and kisses, P. S. Bennett," were omitted. Respecting these exhibits, said the Court, the appellant asserted to have proved in the trial court that about a week or ten days before the date of the will as proved in the trial court that about a week or ten days before the date of the will, at the city of Lincoln, Neb., the testator and Mr. Bryan and his wife prepared a blank draft form of the will, which was subsequently executed, and Exhibit C was then also prepared as a blank draft form from which Exhibit B was to be, and was subsequently, drawn; that Exhibit B was in the production of the testator was by the quently, drawn; that Exhibit B was in the handwriting of the testator, was by him placed in a sealed envelope bearing an indorsement in his handwriting as follows: "Mrs. P. S. Bennett. To be read only by Mrs. Bennett, and by her alone, after my death," and signed and sealed by the testator.

The appellant further asserted to have proved that the testator, on the day after the date of the will, placed the will and the envelope containing Exhibit B in a box in his private vault, where they remained until found after his death. Exhibit C remained in Bennett's custody and was mained until found after his death. Exhibit C remained in Bennett's custody and was found after his death among his private papers, in an envelope marked in Bennett's handwriting as follows: "Copy of letter in safe deposit company vault, Wool Exchange." Mr. Bryan offered Exhibit C in evidence as part of the will, claiming that it was the original and equivalent of the paper Exhibit B, and that it was substantially the sealed letter referred to in paragraph 12 of the will.

This evidence the lower court excluded

paragraph 12 of the will.

This evidence the lower court excluded and when the letter, Exhibit B, was offered in evidence as part of the will the Court excluded it also. The appellant also offered parol evidence tending to prove that Exhibit B was the instrument to which reference was made in clause 12 of the will, but the Court excluded such evidence.

Subsequently the instrument to discovere the discovered the discovered

but the Court excluded such evidence.
Subsequently the jury, under the direction of the Court, rendered a verdict to the effect that Exhibits B and C were not a part of the will and judgment was so made. The rulings of the lower court, said Judge Torrance, seemed to have been based upon several grounds, as follows:

based upon several grounds, as follows:

1. Apparently upon the ground that the doctrine of incorporation by reference does not prevail as to wills under our statute relating to their making and execution.

2. That even if that document prevails here, no paper in the present will is by reference made a part of it, according to the rules universally applied in jurisdictions where the above doctrine prevails.

3. That the letter, Exhibit B, shows on its face an intent on the part of the testator that it should not constitute a part of the will.

round is sufficient to vindicate the rulings f the court below. He considers these rounds riefly, however. As to the first,

he assumes, without deciding, that the doctrine of "incorporation by reference" in a will does prevail in this jurisdiction. Then he says:

In clause 12 of the will in question here a large sum of money is given to Mrs. Ben-nett "in trust, however, for the purposes set forth in a sealed letter which will be found

nett "in trust, however, for the purposes set forth in a sealed letter which will be found with the will."

There is not in the language quoted any clear, explicit, unambiguous reference to any specific document as one existing and known to the testator at the time his will was executed. Any sealed letter or any number of them setting forth the purpose of the trust, made by anybody, at any time after the will was executed, and "found with the will" would each fully and accurately answer the reference: and if we assume that the reference calls for a letter from the to fator, it is answered by such a letter or letters made at any time after the will was drawn.

The reference is "so vague as to be incapable of being applied to any instrument in particular" as a document existing at the time of the will. The vice is that no particular paper is referred to." Phelps vs. Robbins, 40 Conn., 273.

Such a reference as is made in the present will is in fact as well as in law no reference at all; certainly it is not such a reference as the rules under the doctrine of incorporation by reference require in the case of wills. A reference so defective as the one here in question cannot be helped out by what is called parole evidence; for to allow such evidence to be used for such purpose would be practically to nullify the wise provisions of the law relating to the making and execution of wills.

### VICTORY FOR COMMUTERS. New Haven Road Restores Trains and

Promises Sweeping Improvements. MOUNT VERNON, N. Y., Aug. 12.-The denunciations which have been poured out on the New Haven Railroad Company by the commuters living along the Sound from Mount Vernon to the Connecticut line have finally had the effect of arousing

the corporation. The company to-day an-

nounced that a new time schedule would

be put in effect on Sunday morning next. The new schedule restores several of the trains asked for by the various Boards of Aldermen and trade organizations. The most important trains resumed are the ones which formerly left Mount Vernon at 5:54 and 7:52 A. M. for New York, and the one which leaves the Grand Central station at 10:30 P. M. for the cities and towns along the

Sound. Since these trains were taken off, on July Since these trains were taken off, on July 24, early morning commuters have been compelled to arise before daybreak and go to Manhattan by trolley, and several who could not get down in time have lost their positions. The 10:30 train out of the Grand Central station at night will also fill a gap, as there has been no train from 9:30 P. M. until 12:02 in the morning under the present unpopular schedule.

unpopular schedule.

The change in the time table was made after indignation meetings were held in Mount Vernon, New Rochelle and Port Chester, where the commuters announced their intention of appealing to Gov. Odell and the State Railroad Commissioners

Besides conceding the demands of the commuters, President Mellen has announced that his corporation intends to spend about \$10,000,000 in making the Harlem River branch, running from New Ro-chelle to 129th street, a six track road. Fast trains, run by electricity, will carry passen-

New Rochelle in the place of its present dilapidated structure. For several weeks agents believed to be acting for the comany have been purchasing business prop-rty near Huguenot street in the centre of he town until they have acquired nearly a whole block, including the post office site. It is said that a large station to accommodate the passenger traffic of both the main line and the Harlem River branch will be erected

#### FLAT THIEVES DAILY RAIDS. Numerous Depredations on Washington Heights-Even Door Knobs Stolen.

Thieves broke on Wednesday night into the apartments of George Crouch, a naval architect, who lives on the top floor at 500 West 157th street. Mr. Crouch is away to the country with his family, and when he came home vesterday to see if everything was all right he found the rooms were upset

from one end to the other.
On Wednesday afternoon thieves cleaned William Browning, who was a superintendent in the Fire Department for a number of years He lives on the fourth floor, and the years. He lives on the fourth floor, and the thieves got in by prying the hall door open with a "jimmy" while his wife was away in the country. They got \$40 in cash, a number of family heirlooms, including Mrs. Browning's wedding ring, a gold chain which had been givento her by Mr. Browning before they were married, and several pieces of jewelry, all valued at \$200. The thieves were frightened away by the letter carrier ringing the bell, or they might have found silverware and jewelry valued at ound silverware and jewelry valued a

The thieves went across the hall from Browning's apartments to those of C. C. Walton, but they were scared away from Walton, but they had firm to go through Walton, but they were scared away from there before they had time to go through the rooms.

The thieves next visited 432 West 160th The thieves next visited 432 West 160th street and got away with some valuable dresses belonging to Mrs. Elizabeth McMahon. She had just had the clothes made to go to Block Island for a visit and left them in a satchel near the door. The thieves were frightened away by some-body ringing the doorhell or they might body ringing the doorbell, or they might have made a good haul.

Last Thursday night thieves broke into the saloon of Michael Wundt on Amsterdam

avenue between 157th and 158th streets, and cut out all the lead pipe behind the bar. Then they helped themselves to all the whiskey they could drink.

Thieves have broken into a number of stores along Amsterdam avenue on Washington Heights, and in the lower section they have stolen all the door knobs and brass signs they could find.

### RUNAWAY HORSE HURTS THREE. Dash Through Grand Street Stopped When He Hit an Express Wagon.

Just as the rush of traffic was heaviest through Grand street, at a little after 6 o'clock last night, a bridleless horse attached to a hansom cab, with no driver on the seat, dashed through Chrystie street knocked down and injured three persons, and ran into an express wagon going west on Grand street toward the Bowery. Both express wagon and cab tipped over.

The horse, with his four feet spread out over the body of the upturned express wagon, was captured by Policeman Henry Brook and Detective Richard Henning of

the Eldridge street station.

The three persons hurt were going along Grand street on the north side and just cross-Grand street on the north side and just crossing Chrystie when the herse ran them down. They were Miss Mary Hogan of 511 Grand street, whose left ankle was fractured; Miss Delia Herbst of 30 Broome street, who got a scalp wound and badly bruised shoulder, and Charlie Falks, an eleven-year-old boy, of 111 Chrystie street, whose left leg was broken. They were taken to Gouverneur Hognital

broken. They were taken to Gouverneur Hospital.

The driver of the hansom was Joseph Pittersburg of 7 Second avenue. None of the injured would make complaints and no arrests were made.

Pittersburg said that he was standing by his horse's head in front of 115 Chrystie street, a harness shop kept by Benjamin Bergman, when a southbound Second avenue car running along Chrystie street hit the wheels of his cab and frightened his horse. In endeavoring to prevent the his horse. In endeavoring to prevent the animal from running away he pulled off

## FIREMAN FELL FROM WINDOW. Walsh of Engine 31 Was Cleaning the

Glass When He Lost His Balance. John Walsh, a fireman, while cleaning a second story window at the house of Engine Company 31 at Elm and White streets, yesterday afternoon, lost his balance and fell to the street. His body struck an iron railing and then rolled on the side-

His injuries prove fatal.

# SEEK TO DEPORT PREACHER

HART, THE AUTHORITIES SAY, IS AN EX-CONVICT.

Came to This Country From England When He Was a Ticket-of-Leave Man and Denied That He'd Been Convicted -Ran a Little Church in Brooklyn.

Charles Alfred Burleigh Hart, who professes to be a clergyman and who, it is alleged, is a ticket-of-leave man from England, is a prisoner at Ellis Island. He was arrested in his home, in Schenck avenue, Brooklyn, on Thursday on a warrant charging him with violating the immigration laws. If the charge is sustained he will be sent back to England, which country he left for the United States about a year

It is said that he was convicted in England twice of a grave crime. On the first conviction he was sentenced to eighteen months penal servitude and for the second offence was sentenced for life. He was subsequently released

According to the immigration authorities here, he was born in the slums of London. When a boy he was taken up by a philanthropic woman, who paid his way through Oxford and educated him for the ministry After he was ordained he did mission work in the Whitechapel district.

When he came to this country he made the usual declaration to the immigration authorities that he had never been convicted of any crime. He made several attempts to establish himself as a Protestant Episcopal minister here, but his reputation had preceded him, and the church authorities would have nothing to do with

Finally, on July 11, he started a little mission in the quarters formerly occupied by an athletic club in Schenck avenue in the East New York section of Brooklyn and was holding forth there when arrested. This enterprise was never sanctioned by Bishop Burgess.

He called his mission the Church of St. Mary Magdalen, but told the few people who went to hear him preach that it was not Greek Borner Catholia or Episco.

not Greek, Roman Catholic or Episco-palian. At the same time he asserted that he was an Anglican priest and called him-self "Father" Hart. To all inquiries about his past life or his former church connections

he gave evasive answers.
When Hart was sent to Ellis Island he was taken before a board of three im-migration inspectors. He made a state-ment to the board which was sent to the Secretary of Commerce, together with the formal charges on which the warrant was

ssued.

The final decision in the case will be made by the Secretary himself. For that reason the Ellis Island officials did not want to talk about the matter yesterday, holding that it would be a breach of official etiquette. They admitted however, that Hart was charged with making a false declaration when he landed. The law under which he is detained permits deportation within two years of landing if it can be shown that the immigrant was not entitled to

After his appearance before the investigat-ing board Hart was allowed to go to Brooklyn in the custody of an inspector, for the purpose of transacting some business in connection with his mission. It is understood that he told the board that the trouble stood that he told the board that the trouble he had in England occurred eighteen years ago when he was hardly more than a boy. That Hart was not approved by Protestant Episcopal authorities in this neighborhood is shown by this extract from the Churchman

WARNING. WARNING.

The registrar of the diocese of New York informs the Churchman that "the Rev. Charles Alfred Burleigh Hart." now in New York and representing himself as a clergyman of the Church of England, is not now and never has been licested to officiate in the diocese of New York, and furthermore, that his name does not appear in "The Clergy Directory and Parish Guidg: an Alphabetical List of the Clergy of the Church of England," for 1903.

Wishington, Aug. 12.—Unless an unex-

Washington, Aug. 12.—Unless an unexpected turn in the case should occur before to-morrow night, the Rev. Alfred Burleigh Hart will probably be deported from the United States. The charges against him have been received by the Commissioner-General of Immigration and they strongly uphold the allegation that the Rev. Mr. Burleigh Hart was convicted in England

of gross crimes.

The matter will be taken up by Secretary of Commerce Metcalf to-morrow, and the probability is that the case will be promptly disposed of and that the accused will be

The particular clause of the immigration laws under which the man is supposed to be barred from admission to the United States forbids the admission of aliens "who have been convicted of a felony or other infacrime or misdemeanor involving

# TWO UNIDENTIFIED BODIES

found in East River-Both of Men of the Same Age and Similar in Appearance. The bodies of two well dressed men were

taken from the East River vesterday. One body, clad in a blue serge suit, was found at the foot of East Eleventh street. In the pocket of the coat was found a bottle of carbolic acid. The man was about 45 years old. He had light hair and mustache. The other body, found at the foot of East Forty-seventh street, was also clad in a blue serge suit. This man was also about 45 years old, and had sandy hair and

### CITY BONDS AT 2 PER CENT. Financiers Inclined to Lay Away Money Until After the Election.

Deputy Comptroller Stevenson sold yes terday \$5,000,000 of special revenue bonds, at a figure which makes the city pay but 2 per cent. Because of the many applications which have been made recently by bankers for special revenue bonds, the opinion is held at the Comptroller's office that many financiers are hoarding capital until the result of the election is known. One of the officials of the Finance Department said yesterday: "When financial men rush to buy the short term corporate stock, it is always an indication that there is very little speculative or investment business being done in the Street. I understand that the report of the Clearing House to-morrow will show an idle capital of over \$53,000,000. It is evident that the moneyed interests are a little uncertain as to the result of the Presidential election. Speresult of the Presidential election. Special revenue bonds are issued in anticipation of tax receipts. The special revenue bonds which have been sold this week will mature on Nov. 15, a week after the election.
"Two days ago, one of the best knows

bankers of this city came to this office and said he would like to buy \$5,000,000 worth of special revenue bonds. Mr. Stevenson told him the city would not pay more interest than at the rate of 2 per cent. per annum. The banker said his capital was worth more than that return and went away. Yesterday he came back and bought five millions at the rate quoted by

### TIES ON THE TRACK. Motorman Saves a Coney Island Trolley Car From Mishap.

Two railroad ties, fastened together by a strong cord, were placed across the tracks of the old Culver line between New Utrecht and Gravesend avenues, Brooklyn, late on Thursday night. They were discovered by Motorman John Moll of car 3263, while returning from Coney Island. Moll, by the aid of the headlight, observed the obstruction at a considerable distance ahead and succeeded in stopping the car within twenty feet of it. The incident was not brought to the attention of the passengers, but the police were promptly notified. Some mischievous boys are supposed to have put the ties on the track.

### HAD HIS BAIL WITH HIM. Forehandedness of Pusheart Greek With Wealth Under His Tatters.

Theodore Canantis, a Greek pushcart vender, was arrested at Broadway and Thirty-third street last night for blocking the crosswalk with his cart. When he was about to be led back to a cell in the Tenderloin station, he said: "I maka da bail."

"Back to the calaboose for yours," said John, the doorman. "No, no, no," angrily replied the Greek.

'I maka da bail." From a hidden pocket in his soiled and ragged coat he brought forth a large roll of bills Without decreasing the size of the roll to any extent he skinned \$200 from it. He went his own bail and fifteen minutes later he was back at the same spot where he had been arrested.

### UNRULY AT AUTO TRIAL. Justice Could Not Control Crowded Room When L. B. Sharpe Was Heard.

L. B. Sharpe of Far Rockaway, where he s general superintendent of the Gas and Electric Light Company, was arraigned before Justice Frank L. Tyson at Lawrence L. I., last night upon a charge of having run his automobile on Sunday last in Lawrence at a speed in excess of that allowed

The little courtroom where Justice Tyson sat was crowded, and many of those present were wealthy residents of the section who room were too few, and some of the spectators, including a number of women, sat on soap boxes. Two men climbed on the S. M. Butler of the Automobile Club of

America was on hand to represent that organization. William Willets, Jr., represented Mr. Sharpe, and J. Henry Work represented Officer Ryan, who made the The legality of the arrest of Mr. Sharpe

having been questioned, Justice Tyson last night gave Officer Ryan a warrant. Mr Willets vigorously objected to this being served and counsel and Court squabbled for a long time. Finally, Mr. Sharpe was held in \$25 bail to appear this afternoon at 4 o'clock at 4 o'clock.

The courtroom was continually in an up-roar and the Justice was utterly unable to obtain control. Mr. Willets objected to any further proceedings, on the grounds that the Justice had never been legally appointed and that anyhow the ordinance under which the warrant served last night was issued did not comply with the State

### HAD TO SHOOT A MANIAC. Faught Captors After Being Hit by Two Bullets.

A maniac who took refuge on the roof of an outhouse in the rear of 417 Madison street, Hoboken, yesterday, held a policeman and a crowd of people at bay by a storm of bricks, taken from an old chimney of the shed, until he was shot down by Policeman James Russell, Two shots. one in the arm and another in the body, dropped him, but even then he fought desperately with his captors when they climbed to the roof to remove him to St. Mary's

Hospital. Russell was nearly pushed off in the fight, being saved by catching hold of a tree beside the shed.

Russell was on his post at 3 o'clock yesterday morning when he heard a man yelling. He followed the sounds to 417 Madisons street, where he saw a man standing on the roof of the shed, shouting at the top of his voice and raving. A number of people had already gathered. The policeman ordered the man to come down. He people had already gathered. The policeman ordered the man to come down. He was not heeded, and as it was evident that the man was of irresponsible mind Russell decided to climb to the roof. When part way up a storm of bricks compelled him to stop. Luckily, the man was wild in his aim, though one brick grazed the policeman's shoulder. Russell had

The man is Michael Mundock. He had come in from Erie, Pa., on Wednesday, and was to sail for Germany to-day on the steamer Patricia.

He is supposed to be the man who was ound peering in the window of Mrs. George Neumann of 418 Jefferson street at midnight.

#### He ran away when Mrs. Neumann's son went to the window.

FERRY PURCHASE DELAYED. Ity's Acquisition of St. George Termina

Held Back by Fallure to Produce Maps. Deputy Comptroller Phillips and Alderman McCall had a short but sharp tilt at yesterday's meeting of the Sinking Fund Commission over the payment of a bill for \$1,000 presented by Henry W. McVicker and Fred W. Janssen for work done in appraising the value of the St. George terminal of the Staten Island ferry. Mr. McCall, who sits on the Sinking Fund Commission as the chairman of the Aldermen's Finance Committee has persistently taken the side of the ferry company as against the city during the dispute over the price to be paid for the St. George terminal. Yesterday Mr. McCall urged that the \$1,000 appraisal claim should be passed by the commission Deputy Comptroller Phillips, who represented Mr. Grout at the meeting, contended that the bill should first be passed on by the Comptroller's office. Mr. McCall was op-Comptroller's office. Mr. McCall was op-posed to this suggestion, but after Acting Mayor Fornes intimated that he agreed with the stand taken by Mr. Phillips, Alder-man McCall consented to a supplying the standard to a supplying the standard to a supplying the standard to a supplying the suppl with the stand taken by Mr. Phillips, Alderman McCall consented to a suggestion that the matter be laid over for consideration at the next meeting of the commission.

At the meeting of the board Mr. Phillips intimated that the city was ready to perfect the contract for the purchase of the St. George terminal property, but that the signing of the contract had been delayed by the failure of the Dock Department authorities to furnish the commission with the necessary map. Mr. Phillips said if the map was not forthcoming soon he would appeal to the Mayor to have Dock Commissioner Featherson send the map along without further delay.

### without further delay. MAY END THE MONOPOLY.

Contract of the Panama Railroad With the Pacific Mail Likely to Be Abrogated. WASHINGTON, Aug. 12.-It is probable that as the United States Government now owns practically all the stock of the Panama Railroad Company, the existing contract between the railroad and the Pacific Mail Steamship Company will soon be abrogated. According to the terms of the contract six months notice by either party to the contract is necessary to its abrogation, and it is believed that this notice will be given the Pacific Mail Steam-ship Company within a short time. The existing contract between the two

The existing contract between the two companies practically gives the Pacific Mail Company a monopoly of all freightage by water to and from the terminals of the railroad, and operates to keep the freight rates from these terminals to neutral ports of destination at a high figure and to make competition impossible.

A board of directors for the Panama Railroad Company was elected last April Railroad Company was elected last April for terms of one year, but it is believed that

as the Government now owns sixty-nine seventieths of the stock of the company the present directors will resign and give way to the members of the Panamaa Canal Commission, who will then form the directorate. The contract expires in April, 1905. There is a two year privilege of re-newal, but it is understood that the members of the Commission have decided that to renew the contract would be to foster a monopoly and combination in restraint of trade, and that in their position as Government officials they will be forced to abrogate the contract.

# KILLED BY "BORROWED" AUTO

NIGHT WATCHMAN TOOK MA-CHINE FROM GARAGE.

Invited Three Friends for a Ride in the Dead of Night, Overturned It and Was Pinned Under the Tiller-Companions Charged With Stealing Auto.

EAST ORANGE, N. J., Aug. 12 .- An automobile accident occurred early this mornng in South Orange avenue, Vailsburg, which Charles H. Reilly of this place who was driving the machine, was pinned under the car and so badly injured that he died soon after being removed to the Orange Memorial Hospital. He was night watch man at the garage of Frederick L. Knapp. It is said he was in the habit of leaving the garage in the night for a ride around the country with such of his friends as he could pick up.

Reilly had three companions last night-Bartholomew N. Carrick of 445 West Fifty third street, New York: Benjamin C. Johnson of 11 Halsted place and Joseph Volk of 9 Burnett street, East Orange. They are held under bail on a charge of stealing the automobile, preferred by Mr. Knapp.

At midnight Reilly invited Johnson and Volk to go out with him. He selected a 20 horse-power Winton touring car, belonging to Frank A. Hoyt of East Orange. They picked up Carrick on the street. He says the others were under the influence of liquor own automobiles. The seats in the court- and that he went along because he is a machinist and understands the care of automobiles, so as to be on hand if there should be a breakdown, as he did not think Reilly was in any condition to run the car

The party made a number of stops, and finally decided to go back through South Orange and Vailsburg, selecting South Orange avenue as their route, intending to turn off at Sanford street and return to East Orange. They passed Sanford street and got as far as Smith street before they saw their mistake. The auto was travelling at a fast gait, and before Carrick could prevent him, Reilly gave the tiller a quick turn. The ponderous machine "skidded" and then crashed over on its side. All were thrown out and Reilly was pinned fast to the ground by the tiller. The others were practically uninjured.

Policeman Ryder heard the crash and hastened up. William Harned, who lives opposite, also was aroused and came out and the two, with the assistance of the and the two, with the assistance of the three uninjured men, extricated Reilly and carried him into Harned's house, where he was attended by Dr. Benjamin H. Voelbel. Dr. Voelbel saw the man was desperately hurt and on his advice Reilly was at once removed to the Orange Memorial Hospital, where he soon died. He had a fractured skull and other injuries. He retained consciousness to the last and told his friends that he knew he was fatally injured. injured.

Johnson, Volk and Carrick had a hearing this morning before Recorder Jaeger. It could not be shown that they were responsible for the death of Reilly. Mr. Knapp made a complaint against them and they were taken to East Orange and held. They pleaded not guilty and said they had only accepted the invitation of Reilly. Johnson, Volk and Carrick had a hear

Reilly.

According to Mr. Knapp, Reilly took out Mayor Bruen's automobile one night and partly wrecked it and as a result had been told that his services would not be required by Mr. Knapp after to-day.

The machine, which was badly wrecked, weighed 2,800 pounds and was valued at 2500 It was to have been sent to the \$2,500. It was to have been sent to the makers to-day, Mr. Hoyt having recently purchased a new one. Mr. Knapp will probably have to stand the cost of the repairs

### RAILROAD SIGNAL WIRES CUT. Raids Made by Thieves Along Tracks of New Haven Road.

Supt. Wiegand of the New York, New Haven and Hartford Railroad complained to Capt. Ferris of the Tremont avenue police station last night that thieves had stolen half a ton of copper signal wire from the

points, making it easy for wire thieves to work at night. The signal wires ran along the ground under board covers. The thieves ripped off these covers with crowbars and then nipped the valuable wires with pincers. Night before last 1,500 feet of copper were stolen, and recently the railroad

st 4.500 feet in the same way.

The chief concern of the railroad people s in the interrupted signals, and also the possibility that the thieves might return, thereby making it possible for accidents to occur at night if track walkers should fail Capt. Ferris detailed six men to watch the tracks between Fordham station and Claremont Park in the guise of tramps.

# SAMUEL B. GREEN'S WILL.

An Estate of \$200,000 Dwindled Down One-Halt-\$20,000 Left to His Wife. MIDDLETOWN, N. Y., Aug. 12. - The will of Samuel B. Green of Stony Ford, Orange county, who shot himself at the Fifth Avenue Hotel, New York city, on May 10 last, has just been probated at Goshen. The estate, which was originally \$200,000, has

dwindled to one-half that amount. Green's first wife was a daughter of Judge Thornton B. Niven of Monticello. He obtained a divorce from her, the Rev. David T. Howell, rector of the Episcopal church at Monticello being named as corespondent Howell's wife also obtained a divorce from him, and then he married Mrs. Green, and they are now residing in Newark, N.J.

Green's will was made just after securing his divorce from his wife. To his cousin, Elizabeth P. Bull of Stony Ford, whom he afterward married, \$20,000 is bequeathed. All the rest of his estate goes to his sister, Katherine B. Green of Yonkers, in trust to enjoy during her life, to dispose of and invest as she desires. After her death a nephew, George S. Green, and a niece, Katherine Green, children of his brother, John B. Green, become the legatees. Katherine B. Green is named as sole executor.

# TAMMANY PICNIC DROWNING. Body of Charles Crawley of the E. K

McGuire Association Recovered. The body of Charles Crawley, a boss plumber, of 618 East 138th street, was found in the East River at the foot of Forty-seventh street yesterday.

Crawley attended the outing of the Eugene K. McGuire Association, the Tammany organization of the Thirty-fourth Assembly district, on Wednesday, and was pushed overboard with half a dozen others while disembarking from the steamer Cygnus at the foot of East 136th street.

It was thought that all had been rescued until Mrs. Crawley reported her husband's until Mrs. Crawley reported her husband' absence to the police on Thursday.

### FOR MURDER OF AMERICANS. Mexican Commandante and Policeman Sentenced for Killing Way and Lattimer.

EL Paso, Tex., Aug. 12.-A message from Mazatlan, State of Sonora, Mexico, says that Herculano Torres, Commandante of Aguas Calientes de Baca, and one of his

Mexican policemen have been tried for the murder of Clarence Way and Edward Lattimer. Americans, found guilty and sentenced to be shot.

Torres, however, has obtained a respite, and it is doubted in many quarters if he will ever be punished, for he has relatives high in authority in Mexico.

# L. DOUGLAS \$3.50 SHOES . 102

Brookton Leads the Men's Shoe Fashions of the World. W.L.DOUGLAS MAKES AND SELLS MORE MEN'S \$8.50 SHOES THAN ANY OTHER MANUFACTURER IN THE WORLD. The reason W. L. Douglas \$3.50 shoes are the greatest sellers in the world, is because of their excellent style, easy fitting and superior wearing qualities.

They are just as good as those that cost \$5.00 to \$7.00, the only difference is the price. If I could take you into my factory at Brockton, Mass., the largest in the world under one roof making men's fine shoes, and show you the infinite care with which every pair of W.L. Louglas shoes is made, you would realize why W. L. Dou-glas \$3.50 shoes are the best shoes produced anywhere, and why the sales for the year ending July 1st, 1904, were

### \$6,263,040.00

If I could show you the difference between the shoes made in my factory and those of other makes, and the high grade leathers used, you would understand why W. L. Douglas \$3.50 shoes cost more to make, why they hold their shape, fit better, wear longer, and are of greater intrinsic value than any other \$3.50 shoe on the market to-day. W. L. Douglas guatantees their value by stamping his name and price on the bottom. Look for it—take no substitute. Sold by shoe dealers everywhere.

# W. L. Douglas \$2.00 and \$1.75 Shoes for Boys. Best in the world. Boys all wear thom.

W. L. Douglas uses Corona Coltskin in his \$3.50 shoes. Corona Colt is conceded everywhere to be the finest by mail, 25 cents extra. W. L. DOUGLAS, Brockton, Mass.

G. C. & E. Eli Calf always gives satisfaction. W. L. Douglas \$3.50 Shoe Stores in Greater New York: 433 Broadway, corner Howard Street. 755 Broadway, corner 8th Street. 345 Eighth Avenue 2779 3rd Ave., bet. 146th and 147th Sta. 1349 Broadway, corner 36th Street 1449 Broadway, corner 41st Street

BROOKLYN. 708-710 Broadway, cor. Thornton St. 1367 Broadway, corner Gates Avenue. 421 Fulton Street, corner Pearl Street. 494 Fifth Avenue. JERSEY CITY—18 Newark Avenue. NEWARK—785 Broad Street.



142 East 14th Street. 250 West 125th Street. 974 Third Avenue.

We're half a day to the good to-day.

Have the fun of selling you good clothing, furnishings, hats and shoes until 12.

Then we're off for good—until Monday. ROGERS, PEET & COMPANY.

258 Broadway, cor. Warren, opposite City Hall. opposite City Hall.

842 Broadway, cor. 13th,
and 140 to 148 4th Ave.

1260 Broadway, cor. 32d,
and 54 West 33d St.

NATURALIZATION FRAUDS.

Accused Patrol Wagon Driver Missing -Arrests and Convictions. Antonio Russo, a wealthy Italian living at 684 Tremont avenue, rushed into the office of Assistant United States District Attorney Joel M. Marx, who has charge of the naturalization fraud cases, yester day and begged for assistance to find Antonio Barbetti. Russo gave \$3,000 bail for Barbetti, and he said that the latter had moved from his residence on the White Plains road, Westchester county, with his family and household goods, and was not

to be found. Barbetti, who was driver of a police patrol wagon, was arrested on July 26 on the charge of having procured fraudulent papers for Giuseppe Ricardo for \$25. Ricardo was then given a job in the Park Department, but at the end of thirty days was discharged, it is claimed, to make room for some one else. He then appealed to the authorities. Detectives are searching for Barbetti.

Mr. Marx, together with Secret Service Agents Metz and Callahan, assigned to the Department of Justice, caused the arrest yesterday of Antonio Parruto at 413 East 15th street. It is alleged that Parruto sold duplicate papers to Pasquale Pezza on Dec. 28, 1900. We are discovering a dozen such cases

every day," said Mr. Marx yesterday,
"Since July 1, 150 arrests have been made.
There have been seventy-nine convictions
and the culprits have been sentenced to various penalties. A systematic investiga-tion is now being conducted and we are getting hold of them everywhere."

# BANK CLERK TAYLOR SENTENCED. Man Who Stole Unsigned Notes From

the Citizens' Bank Gets Five Years. St. Louis, Aug. 12. Before Judge John H. Rodgers in the United States District Court to-day Robert Taylor, formerly an interest clerk with what is now the Citizens' Central National Bank in New York city, pleaded guilty to the charge of passing forged bank notes. His sentence was fixed at five years in the penitentiary and a

fine of \$1.

Taylor was arrested in St. Louis in July with unsigned bank notes to the amount of \$6,739 on the Citizens' National Bank of New York city in his possession. After stealing the notes in October, 1003, Taylor forged the names of the president and cashier on the face of the notes and then passed some

## BAD MAN'S VICTIM DIES. Jailer Succumbs to Wounds Inflicted When

of them.

Gravelle Escaped From Helena Prison. HELENA, Mon., Aug 12.-Anton Korizek, the assistant jailer who was shot three times by the Northern Pacific dynamiter Gravelle in the latter's escape from the county jail yesterday, died of his wounds this afternoon.

Before his death Korizek said he strug gled with Gravelle for the possession of the revolver, and it was while thus engaged that Gravelle fired the first shot. Gravelle shot him twice after being released. Korisnot him twice after being released. Korizek isof Bohemian parentage. As a result of Gravelle's suicide in Gov. Toole's home yesterday, Judge Cheadle dismissed the case against him to-day.

# New Home for C. K. G. Billings.

C. K. G. Billings has taken a lease of the James Tolman Pyle residence at the north-east corner of Fifth avenue and Fifty-third street, opposite St. Thomas's Church. It is a large four story and basement house, with a frontage of 25 feet. The rent is said to be \$17,500 a year.

California, Puget Sound points, the summer resorts of Wisconsin, Northern Michigan and Minnesota, the Black Hills and scores of other pleasure grounds are best reached by The North-Western Line. Special low rates all sum-

The best of train service. Write at once for maps and fo booklets describing the scenery, climate and transportation facilities. with valuable data as to hotels, hotel rates, fishing and hunting, etc.

mer. Choice of routes.

All agents sell tickets via this line D. W. ALDRIDGE.
Gen'l Eastern Agt. C. & N. W. Ry.
461 Broadway, New York.

THE BEST MADE

Energetic Advertising Solicitor controlling business is offered exceptional opportunity to associate himself with one of the largest.

Most Completely Equipped Advertising Agencies Only those controlling business will re-Liberal Compensation Guaranteed

Address, stating particulars and references, "E. C. S.," box 206, Sun.

CAPT. MURPHY NOT TIPSY Charge That He Was Unfit for Duty at Headquarters Not Sustained. The trial of Police Captain Peter J. Murphy of the Adams street station, Brooklyn. on a charge of being under the influence

of liquor while on duty at the State street headquarters on the evening of July 28, was held yesterday before Deputy Com-missioner Farrell. It resulted in his ac-Detective Sergeant O'Brien testified that he observed Capt. Murphy on the evening mentioned "in a heated argument with somebody." Detective Sergeant Dolan pronounced the captain "perfectly sober and straight and able to attend to his duties." Patrolman John Mahoney described captain as "looking to be under the influence of liquor" but fitted for the discharge

police duty.

Former Police Commissioner Bergal

J. York, who appeared as counsel for a
captain, said that no evidence had be
produced to sustain the charge, and with
calling any witnesses in refutation may
a motion for its dismissal. It was promp granted by Deputy Commissioner Farrell,